

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

AMANDA GADDIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No.
	)	
CARPENTER'S WRECKER	)	
SERVICE, INC.,	)	
	)	
Defendant.	)	

**COMPLAINT**

Pursuant to Section 216(b) of the Fair Labor Standards Act (FLSA), Plaintiff files this lawsuit against Defendant and alleges the following:

1. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. Section 1331.
2. Plaintiff is a resident of Dalton, Whitfield County, Georgia.
3. Defendant is a corporation incorporated under the laws of Georgia. Its principal office is located in Tunnel Hill Georgia, and it operates a business located in Rocky Face, Georgia. Its registered agent for service of process is Michael Carpenter, 3135 Chattanooga Road, Rocky Face, Georgia, 30740.
4. Defendant provides wrecker/towing services to individuals,

businesses, and law enforcement agencies in North Georgia and Tennessee. Defendant employs drivers who drive wreckers and tow the vehicles of Defendant's customers. Defendant also employs dispatchers who receive calls from customers and dispatch Defendant's drivers to the locations where vehicles are picked up and towed to their requested destinations.

5. Plaintiff was employed by Defendant as a dispatcher from approximately July of 2015 through June of 2017.

6. While Plaintiff was employed by Defendant as a dispatcher, she received calls from Defendant's customers; dispatched drivers to locations where vehicles were picked up and towed to their requested destinations; and communicated with the drivers and customers throughout the process.

7. While Plaintiff was employed by Defendant, she routinely worked overtime hours of more than 40 per workweek.

8. While Plaintiff was employed by Defendant, Defendant paid Plaintiff a salary of \$450.00 per week.

9. Plaintiff was not paid overtime compensation of one and one-half times her regular rate of pay for overtime hours of more than 40 per workweek.

10. Defendant's wreckers travel across state lines to pick up, tow, and/or deliver vehicles. Accordingly, at all times material to this action, Defendant was

an enterprise engaged in commerce or in the production of goods for commerce as defined by Section 203(s)(1) of the FLSA.

11. Defendant had annual gross volume of sales which exceeded \$500,000.00.

12. While Plaintiff worked for Defendant, Defendant was an "employer" of Plaintiff as defined by Section 203(d) of the FLSA.

13. While Plaintiff worked for Defendant, Plaintiff was an "employee" of Defendant as defined by Section 203(e)(1) of the FLSA.

14. The minimum wage and overtime provisions of the FLSA set forth in Sections 206 and 207, respectively, apply to Defendant.

15. Defendant's failure to pay Plaintiff overtime wages of one and one-half times her regular rate of pay for all overtime hours worked was a violation of Section 207 of the FLSA.

16. Defendant's violation of Section 207 of the FLSA was willful. Specifically, Defendant was well aware of its obligation to pay Plaintiff overtime pursuant to the FLSA, or recklessly disregarded its legal obligation.

17. As a result of Defendant's failure to comply with Section 207 of the FLSA, Defendant is liable to Plaintiff for overtime back pay.

18. In addition to the amount of unpaid overtime wages owing to Plaintiff,

Plaintiff is also entitled to recover an equal amount of liquidated damages pursuant to 29 U.S.C. § 216(b).

19. Plaintiff is entitled to an award of attorney's fees and costs pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff prays for a judgment for damages against Defendant that include the following:

- (a) overtime back pay;
- (c) liquidated damages in an amount equal to her overtime back pay;
- (d) reasonable attorney's fees;
- (e) the costs and expenses of this action;
- (f) interest; and
- (f) all further general legal and equitable relief to which she may be entitled.

Respectfully submitted,

/s/ R. Scott Jackson, Jr.  
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